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DRAFT REPORT OF THE COMMISSION

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* Documents E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

1. The Commission considered item 9 of the provisional agenda concurrently with item 4 (see chap. IV) from its 4th to 8th meetings, from 2 to 4 February 1994, and at its 30th meeting, on 18 February 1994.

2. The Commission had before it the following documents:

Note by the Secretary-General transmitting to the General Assembly the report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/48/385), prepared by Mr. Enrique Bernales Ballesteros, Special Rapporteur, in accordance with General Assembly resolution 47/84;

Report of the Secretary-General on the situation in occupied Palestine (E/CN.4/1994/22);

Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1994/23), submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, in accordance with Commission resolution 1993/5.

3. At its 4th meeting, on 2 February 1994, Mr. Enrique Bernales Ballesteros, Special Rapporteur on mercenaries, introduced his report (E/CN.4/1994/23) to the Commission.

4. In the general debate on item 9, statements were made by the following members of the Commission: Australia (6th meeting), Brazil (4th), China (6th) Cuba (7th), Malaysia (6th), Mauritania (7th), Nigeria (7th), Pakistan (6th), Russian Federation (7th).

5. The Commission also heard statements by the observers for: Algeria (5th), Morocco (8th), Portugal (7th), Turkey (6th).

6. The observer for the Pan African Congress of Azania made a statement (6th).

7. The Commission also heard statements by representatives of the following non-governmental organizations: International Association of Educators for World Peace (8th), Centre Europe-Tiers monde (5th), Commission for the Defence of Human Rights in Central America (5th), International Indian Treaty Council (8th), Latin American Federation of Associations of Relatives of Disappeared Detainees (8th), France-Libertés: Fondation Danielle Mitterand (8th), International Educational Development, Inc. (8th), International League for the Rights and

Liberation of Peoples (6th), Pax Christi (8th), World Islamic Call Society (7th), World Muslim Congress (6th).

8. Statements in exercise of the right of reply or its equivalent were made by the representatives of: India (7th), Indonesia (8th), Morocco (8th), Pakistan (7th), Portugal (8th).

9. A statement in exercise of the second right of reply was made by the representative of Indonesia (8th).

10. At its 30th meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

11. The representative of the United States of America introduced draft resolution E/CN.4/1994/L.2, sponsored by Albania*, Australia, Argentina*, Bulgaria, Colombia, Costa Rica, El Salvador, Estonia*, Germany, Hungary, Japan, Latvia, Netherlands, Nicaragua*, Norway*, Peru, Poland, Romania, Russian Federation, Slovenia*, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay. The sponsors were subsequently joined by Angola, Barbados, Belgium*, Brazil, Cameroon, Canada, Côte d'Ivoire, Cyprus, Czech Republic*, Denmark*, Ecuador, Finland, Greece*, Guatemala*, Iceland*, India, Israel*, Italy, Jordan*, Kenya, Liechtenstein*, Malawi, Malta*, Mauritius, Morocco*, Myanmar*, New Zealand*, Panama*, Philippines*, Portugal*, Republic of Korea, Senegal*, Slovakia*, Spain*, Sweden*, Tunisia and Venezuela.

12. The representative of the Islamic Republic of Iran made a statement on the draft resolution.

13. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on the draft resolution.

14. The draft resolution was adopted by 48 votes to 2, with 2 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Italy, Japan, Kenya, Lesotho, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of

Korea, Romania, Russian Federation, Sri Lanka, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Iran (Islamic Republic of), Syrian Arab Republic.

Abstaining: Libyan Arab Jamahiriya, Sudan.

15. Statements in explanation of vote after the vote were made by the representatives of Cuba, Ecuador, France, the Libyan Arab Jamahiriya, Mauritania, the Sudan and the Syrian Arab Republic.

16. For the text as adopted, see chapter II, section A, resolution 1994/4.

17. At the same meeting, the representative of Mauritania introduced draft resolution E/CN.4/1994/L.6, sponsored by Algeria*, Bahrain*, China, Cuba, Indonesia, Jordan*, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal*, Somalia*, Sudan, Tunisia, United Arab Emirates*, and Yemen*.

18. Statements in explanation of vote before the vote were made by the representatives of Cyprus and the United States of America.

19. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution.

20. The draft resolution was adopted by 26 votes to 1, with 25 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, India, Indonesia, Iran (Islamic Republic of), Lesotho, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.

Against: United States of America.

Abstaining: Australia, Austria, Barbados, Bulgaria, Canada, Côte d'Ivoire, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malawi, Mauritius, Netherlands, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay.

21. Statements in explanation of vote after the vote were made by the representatives of Canada, the Islamic Republic of Iran and the Libyan Arab Jamahiriya.

22. For the text as adopted, see chapter II, section A, resolution 1994/5.

23. At the same meeting, the Chairman introduced draft resolution E/CN.4/1994/L.7.

24. The draft resolution was adopted without a vote.

25. For the text as adopted, see chapter II, section A, resolution 1994/6.

26. At the same meeting, the representative of Nigeria introduced draft resolution E/CN.4/1994/L.9, sponsored by Angola, Barbados, Burundi*, Cameroon, China, Colombia, Costa Rica, Cuba, Ethiopia*, Ghana*, India, Kenya, Malawi, Mauritania, Mauritius, Nigeria, Rwanda*, Senegal*, the Sudan, Swaziland*, the United Republic of Tanzania* and Zambia*. The sponsors were subsequently joined by Iraq*, Myanmar*, Peru, Tunisia and Zimbabwe*.

27. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme-budget implications of the draft resolution.

28. The representative of the United Kingdom of Great Britain and Northern Ireland requested that the draft resolution should be put to a vote.

29. The draft resolution was adopted by 35 votes to 1, with 15 abstentions.

30. A statement in explanation of vote after the vote was made by the representative of the United States of America.

31. For the text as adopted, see chapter II, section A, resolution 1994/7.